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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,460	11/21/2003	William A. Hood	2-5169-053	2582
803	7590	05/16/2006	EXAMINER	
STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076			PETRAVICK, MEREDITH C	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,460

Applicant(s)

HOOD ET AL.

Examiner

Meredith C. Petravick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 22-23 is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Note: The following restriction requirement was previously made and is repeated here as a reminder that claims 14-17 are withdraw. Applicant did not argue this requirement in the last Response.

Newly submitted claims 14-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are method claims, and the method can be accomplished using a different apparatus than claimed in the previously presented apparatus claims. Therefore, restriction would be proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,504 to Myers et al., cited by Applicant, in view of U.S. Patent No. 6,550,218 to McClure et al.

The Myers '504 patent discloses a round baler having two flat panels (22) and a netwrap inlet area configured to accept netwrap material wider than the length between the two flat panels. The baler comprises a front side defined by a roller (40). The portion of the roller between the belts (46) is in direct contact with the bale. The baler has a rear side defined by a belt roller (38) that has a length approximately equal to the length of the bale. The flat panels (22) define first and second sides of the bale. Arcuate wedge members (204) are attached to the flat panels and are concentric to the roller. The netwrap material (162) contacts the formed bale in a void created by the wedges (204). What the Myers '504 patent does not disclose is that the baler also has a drum roller devoid of belts in front of the belt rollers. The McClure '218 patent teaches that it is known in the art to provide a round baler with a drum roller (6) leading the belt rollers (40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the baler of the Myers '504 patent with the drum roller taught by the McClure '218 patent, in order to provide greater support for the bale in the area of the crop intake.

Regarding claims 18-20: The Myers round baler wraps the round bales by disposing the wrapping material over the leading belt roller (i.e., the belt roller nearest the intake – see Fig. 4). Clearly, the Myers '504 patent does not disclose disposing the wrapping material between the drum roller and the belt roller, since, as stated above, the Myers '504 patent does not disclose a drum roller. But, as stated above, one of ordinary skill in the art would find it obvious to provide the Myers round baler with a drum roller as taught by the McClure '218 patent to provide greater support. One of ordinary skill in the art would recognize that the simplest way to combine the drum roller of McClure with the Myers round baler would be to move the belt roller structure

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rearward – without changing the wrapping arrangement, in which the net wrap is fed over the belt roller. In that case, when the McClure drum roller is combined with the Myers round baler, the net wrap material would be fed between the belt roller and the drum roller.

Allowable Subject Matter

4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1-12 and 22-23 are allowed.

Response to Arguments

6. Applicants' arguments filed 4/13/05 have been fully considered but they are not persuasive as to claim 18 and its dependent claims.

Applicant argues that the combination of Myers and McClure is not obvious because McClure was patented after Myer et al. However, this is not evidence of non-obviousness. Applicant is merely assuming that McClure had knowledge of Myer et al. patent and chose not to follow its teachings.

Applicant's "Response to Request for Information" has been considered and accepted.

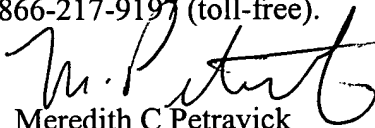
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Primary Examiner
Art Unit 3671

May 14, 2006